

REMARKS

The examiner's action dated August 6, 2008, has been received and its contents carefully noted.

SUMMARY OF SUBSTANCE OF INTERVIEW

During the telephone interview held with the examiner on July 7, 2008, undersigned pointed out that the previous office action addressed claims 1-15, which had been cancelled by an amendment filed on October 20, 2004. The examiner indicated that the office regrets any inconvenience closed applicant. And that a new office action directed in the pending claims will be issued. The period for response will also be restarted as of the mailing date of this new office action. Giving the nature of the telephone interview, it is unfortunate that undersigned was required to include this statement of substance of interview in the present response.

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In order to advance prosecution, the claims have been amended to more clearly define the contribution of the invention over the prior art.

In particular, claims 16 and 24 have been amended to specify that the reaction chamber is interposed between the inlet opening and the indicator chamber such that the test liquid can be drawn into the reaction chamber prior to being brought into contact with the indicator or reactant. This structural relationship is shown in many of the figures, including Figures 1-3 and 12, among others.

Claim 24 has been further amended to place it in independent form and to further define the structure and function of the peelable zone, as described in the present specification with reference to Figures 9 and 12.

The feature that the reaction chamber is interposed between the inlet opening and the indicator chamber makes it possible to introduce a measured quantity of test liquid into the reaction chamber before the liquid is brought into contact with the indicator or reactant. This allows the testing to be made more reliable and repeatable.

The provision of a peelable zone between the reaction chamber and the indicator chamber, which zone provides a seal that is breakable to bring the test liquid into contact with the indicator or reactant, provides the possibility, *inter alia*, of employing a liquid indicator or reactant, which will not flow into the reaction chamber while test liquid is being drawn into that chamber.

The prior art rejections presented in the action are traversed essentially for the reason that the applied references do not disclose or suggest either of the advantageous features described above.

The Davis patent discloses sampling devices that have only a reaction chamber and that is provided with an indicator stripe that extends along the entire length of the reaction chamber up to its inlet opening. The devices disclosed in this reference do not have a separate indicator chamber for containing an indicator or reactant. In these devices, the indicator will begin reacting to the test liquid as soon as the liquid begins to enter the reaction chamber and before the quantity of liquid in the reaction chamber can be determined.

The patent to Naka discloses a device having a suction pressure generating chamber 1 and a chamber 3 for containing a reagent. Chamber 3 is interposed between inlet opening 4 and suction pressure generating chamber 1. Here again, the test liquid will begin to interact with the reagent as the liquid is

being drawn by a suction produced in chamber 1 and there is no possibility of determining the quantity of test liquid before reaction begins.

Neither of these references discloses a device in which two chambers are initially separated by a peelable zone.

The secondary reference applied in the rejection of claim 31, Shurben, does not disclose a device having any real physical relationship to the devices disclosed in the primary references. This reference simply discloses a kit provided with pH sticks that are to be dipped into a body of water that is to be tested.

Moreover, even the cited portion of the Shurben reference, column 5, lines 14-21, does not provide any disclosure of an arrangement in which a comparison test strip is physically associated with a chamber into which test liquid is drawn.

In any event, even if the devices disclosed in the primary reference were modified to include a comparison test strip, the resulting modified devices would not correspond structurally to those now defined in the present claims, and particularly in independent claims 16 and 24.

Thus, the pending claims distinguish patentably over any reasonable combination of the teachings of the applied references by the inclusion of the limitations discussed in detail above.

In addition, a number of the dependent claims further distinguish patentably over the applied references. One specific example is found in claim 23, in the recitation that the indicator or reactant is at least one liquid. The devices disclosed in the applied references are incapable of containing a liquid indicator or reactant because their structures are such

that a liquid indicator or reactant would flow out of the device while test liquid is being drawn in. The fact that the devices disclosed in the applied references are incapable of being used with a liquid indicator or reactant is the clearest possible indication that those references do not suggest the use of such an indicator or reactant.

In view of the foregoing, it is requested that the prior art rejections be reconsidered and withdrawn, that the pending claims be allowed and that the application be found in allowable condition.

If the above amendment should not now place the application in condition for allowance, the Examiner is invited to call undersigned counsel to resolve any remaining issues.

Respectfully submitted,

BROWDY AND NEIMARK, P.L.L.C.
Attorneys for Applicant(s)

By /jmf/
Jay M. Finkelstein
Registration No. 21,082

JMF:smb
Telephone No.: (202) 628-5197
Facsimile No.: (202) 737-3528
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